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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

LUXEMBOURG*

[27 September 1995]

Introduction

1. Under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and in accordance with the programme established by Economic and Social Council resolution 1988 (LX) and with Commission on Human Rights resolutions 4 (XXXIII), 1985/42, 1986/15, 1987/19 and 1988/22, the Government of the Grand Duchy of Luxembourg submits in the following report its comments on its policies for the implementation, promotion and protection of economic, social and cultural rights.

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* The initial report submitted by the Government of Luxembourg concerning rights covered by articles 1 to 15 (E/1990/5/Add.1) was considered by the Committee on Economic, Social and Cultural Rights at its fifth session (see E/C.12/1990/SR.33-36).

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Article 6: Right to work

2. Article 6 provides that the States parties to the Covenant shall recognize the right to work, which includes the right of every person to the opportunity to gain his living by work which he freely chooses or accepts.

3. Article 11 of the Constitution of Luxembourg of 17 October 1868 provides that the law shall guarantee the right to work and assure to every citizen the exercise of this right. Under Luxembourg law, the right to work is a fundamental freedom, embracing free choice of employment, free access to employment and freedom from discrimination.

4. The Act of 8 December 1981 on equal treatment of men and women defines the scope of this principle in respect of access to employment, vocational training and promotion, and in respect of working conditions, as does the Grand Ducal Regulation of 10 July 1974 on equal pay for men and women.

5. In the field of employment, the amended Act of 30 June 1976 establishing an employment fund and governing the payment of benefit for full unemployment provides adequate protection against joblessness. Responsibility for the implementation of employment policies falls largely to the Employment Administration pursuant to the amended Act of 21 February 1976, which defined the organization and functioning of that Administration and created a National Employment Commission.

6. The Employment Administration is responsible, inter alia, for:

(a) Monitoring the employment situation and labour market trends;

(b) Balancing labour supply and demand;

(c) Organizing the recruitment of foreign workers, placing them in employment and monitoring their working conditions in conformity with the relevant legislation;

(d) Organizing and providing vocational guidance for young people and, if necessary, for adults, with a view to promoting their smooth integration or reintegration into the world of work;

(e) Ensuring the implementation of legislation for the prevention and reduction of unemployment and the payment of unemployment benefits;

(f) Taking measures to help workers change to new occupations and employment in so far as this task comes within its purview under the relevant legislation;

(g) Arranging vocational training, re-education and integration into the workforce for the handicapped;

(h) Maintaining technical relations with its foreign and international counterparts.

7. Under the Act of 31 July 1995 on employment and vocational training, a permanent employment committee has been set up to review the situation regarding employment and unemployment at least every six months, as a follow-up to the decisions concerning employment taken by the Tripartite Coordination Committee instituted under the amended Act of 24 December 1977 authorizing the Government to take measures to stimulate economic growth and maintain full employment. This Tripartite Committee consists, in equal numbers, of government representatives, representatives of professional organizations which best represent the employers and trade union organizations which are the most representative nationally.

8. Luxembourg's legislation and the decisions of its courts guarantee employees strict protection against arbitrary dismissal.

9. The annexed documents* provide recent employment and unemployment figures for Luxembourg (source: Employment Administration and Inspectorate General of Social Security).

Article 7: Right to just and favourable conditions of work

10. In Luxembourg, the minimum social wage system is governed by the Act of 12 March 1973, amended by the Acts of 27 March 1981, 28 March 1986, 28 December 1988 and 23 December 1994. Under the above legislation, any person with a normal physical and mental capacity, of either sex, hired by an employer under contract, is entitled to the minimum social wage. The latter applies generally, regardless of the economic sector in which the employer operates. According to the law, the minimum social wage is determined by the legislature in the light of economic circumstances.

11. In order to ensure that wage-earners share the benefits of the country's economic growth, the minimum social wage is revalued at least every two years, subject to the general state of economic development and income growth. In this respect, the Government has to submit a report every two years to the Chamber of Deputies, with a proposal for a rise in the minimum social wage, if appropriate.

12. The Act of 12 June 1965 on collective wage agreements establishes, inter alia, that any such agreement must provide for:

(a) Additional pay for night work;

(b) Additional pay for difficult, dangerous and unhealthy work;

(c) Measures to implement the principle of equal pay irrespective of sex;

(d) Measures to adjust remuneration to variations in the index published by the Government.

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* Available for consultation in the secretariat's archives.

13. Mention should also be made here of the Grand Ducal Regulation of 10 July 1974, referred to above, concerning equal pay for men and women.

14. The new Act of 17 June 1994 concerning health services at work and the law concerning the safety and health of workers at work give effect to the Council's framework Directive 89/391/EEC of 12 June 1989. They ensure the protection of workers' health at work through medical supervision and the prevention of accidents and occupational illnesses, and are enforced under 10 Grand Ducal Regulations.

15. The Act of 4 April 1974 on the reorganization of the Works and Mines Inspectorate grants the latter extensive power to monitor work safety and hygiene.

16. On the question of equal opportunity for promotion, reference may be made to paragraph 4 above.

17. With respect to article 7, paragraph (d), Luxembourg has extremely advanced legislation on the right to rest, leisure, limitation of working hours, periodic holidays with pay and remuneration for public holidays. The implementation of this legislation does not give rise to any major problems, since these rights are fully accepted.

18. Under Luxembourg law, working hours are governed by the Act of 9 December 1970 on the reduction and regulation of working hours for public and private sector workers, and by the coordinated text of 5 December 1989 comprising Acts regulating the hire of private employees. In all the above legislation, working hours are limited to eight hours a day and 40 hours a week.

19. An Act of 22 April 1966 establishes uniform regulations on annual paid leave for private sector employees.

20. An Act of October 1973 provides for educational leave.

21. Regulations concerning legal public holidays were revised by the Act of 10 April 1976.

22. A Grand Ducal Regulation of 11 October 1977 provides for the granting of leave to take part in sports.

Article 8: Trade union rights

23. The right to freedom of trade unions is guaranteed by article 11 of the Constitution of Luxembourg, which is a corollary of the freedom of association guaranteed by article 26 of the Constitution.

24. The right of association is governed by the Act of 11 March 1936, which guarantees freedom of association in all fields. Under this law, it is considered a criminal offence to attempt to limit freedom of association by wilfully making the conclusion, performance or continuation of an agreement concerning employment subject to a worker's membership or non-membership of an association.

25. Luxembourg has ratified Convention No. 98 (1949) concerning the Right to Organise and to Bargain Collectively and Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise of the International Labour Organization (ILO).

26. The above-mentioned Act of 12 June 1965 on collective wage agreements recognizes as a trade union organization any professional association with an internal organization whose aim is to represent its members, defend their professional interests and improve their conditions. The law assigns certain specific functions to trade union organizations that are representative at the national level. Trade unions are considered representative at the national level if they have a substantial membership and are well known for their activities and independence.

27. With respect to the right to strike, a High Court decree has stated that participation in a legitimate and lawful strike is a workers' right set forth in article 11 of the Constitution. The exercise by a worker of the right to strike and the exercise by an employer of the right of lock-out must, however, be preceded by proper negotiations through the National Conciliation Office, whose procedure was established by a Grand Ducal Decree of 6 October 1945. Any strike called or lock-out declared before all conciliation procedures have been exhausted and the failure to agree has been established in an official report is considered illegal.

Article 9: Right to social security

28. Luxembourg's social legislation organizes social security for the worker by providing a very thoroughgoing and constantly improved social insurance system, regulating assistance to the unemployed and improving the material situation of the worker's family by means of family allowances. All the measures taken are designed to reduce the need for action by the public assistance bodies created by law to give relief to the destitute.

29. All private workers and employees have to be insured for sickness, accident, old age and disability, to the extent and under the conditions determined by law.

30. Since the beginning of the century, many establishments for sickness, accident, old-age and disability insurance have been created by law. These include the Workers's Sickness Fund, the Private Employees' Sickness Fund, the Civil Servants and Public Employees' Sickness Fund, the Local Government Officials' and Employees' Sickness Fund, the Independent Professions' Sickness Fund, the Agricultural Workers' Sickness Fund, the Union of Sickness Funds, the Accident Insurance Association, the Old-Age and Disability Insurance Institution, the Private Employees' Pension Fund, the Craftsmen's, Tradesmen's and Manufacturers' Pension Fund and the Agricultural Workers' Pension Fund. All these bodies are legally regulated public establishments, having legal status and operating under the administrative supervision of the State. Government control over all the social security institutions is exercised mainly through the Inspectorate General of Social Security, established in 1974.

Sickness insurance

31. Sickness insurance is compulsory for all persons engaging in the Grand Duchy of Luxembourg in paid professional activity for the benefit of others, for apprentices, for self-employed persons engaging in a professional activity coming within the purview of the Chamber of Trades, the Chamber of Commerce or the Chamber of Agriculture or in one of a chiefly intellectual and non-commercial nature, for persons in receipt of a guaranteed minimum income, as well as for persons in receipt of an old-age, disability or survivor's pension (Social Insurance Code, amended by the Act of 27 July 1992 reforming sickness insurance and the health sector).

32. The financial costs of insurance are mainly covered by contributions established by the statutes of the funds and by direct or indirect contributions by the State. In the case of employees, contributions are payable in equal shares by the employers and the insured persons. Contributions by persons pursuing an independent profession are established in proportion to their taxable income, and are payable entirely by those insured.

33. The purpose of insurance is to provide relief and medical assistance in case of sickness and to allocate confinement and nursing mother's allowances and funeral grants. Medical assistance covers, in particular, medical and dental care, pharmaceutical supplies, hospital expenses and maternity grants. The funds usually extend medical assistance to members of the insured person's family.

Old-age and disability insurance

34. The organization of the pension insurance system is in the hands of different bodies, depending on whether it relates to manual workers, office workers, craftsmen, tradesmen, industrialists, farmers or independent intellectual workers. State civil servants, employees and agents have a special non-contributory system.

35. The pension insurance system is designed to provide disability and old-age pensions for the persons concerned and, where applicable, survivors' pensions for their widows and orphans. The law has established guaranteed minimum levels of pension. The rate of contribution is 24 per cent of pay or net income, depending on the status of the person concerned. One third of the contributions is paid by the State, the remainder being paid half by the employer and half by the employee, or in full by the self-employed.

Maternity benefits

36. Following a prenatal allowance, the birth of any viable infant gives the right to a birth allowance, a post-natal allowance and a maternity grant. Payment of these allowances is made to the mother.

Family allowances

37. Monthly family allowances are payable to persons responsible for any child under 18 years of age brought up in the Grand Duchy, i.e. to the parents of legitimate, legitimized or adopted children, to the fathers and mothers of

recognized natural children, to the grandparents of orphan children, and to any person who has given a home to a child under 12 years of age for whom he is providing education and maintenance.

38. The cost of family allowances is covered by contributions by taxpayers and by a State contribution to the family allowance funds to make up the shortfall not covered by those contributions.

Accident insurance

39. Work accident insurance is compulsory for all manual and office workers in all industrial and craft, commercial, agricultural and forestry enterprises. It also applies to domestic servants, craftsmen, persons working on subcontract and farm owners or tenant farmers and members of their families. Compulsory insurance has been extended to civil servants and State and local government employees, teachers, assistants and pupils on technical or vocational training courses and those engaged in pre-school, school and university activities.

40. The law treats certain occupational illnesses, as determined by Grand Ducal regulations, as equivalent to work accidents.

41. The financial costs of the Accident Insurance Association are covered exclusively by the employers through a premium payment proportional to the salaries earned in each enterprise, and corresponding to the coefficient of the class of risk to which the enterprise belongs.

42. The purpose of the insurance is to reimburse any purely material damage and to compensate for damages in the event of the injury or death of the insured person. It covers in particular free medical assistance and payment of a daily allowance. If incapacity for work exceeds 13 weeks, the insured person is entitled to an allowance of 85.6 per cent of annual average remuneration in the event of total incapacity (full allowance) and a proportional fraction of the full allowance in the case of partial incapacity.

Unemployment allowances

43. Unemployment assistance is covered by the Act of 30 June 1976 on the establishment of an unemployment fund and rules for the granting of unemployment benefits. Under the subsequent Act of 12 May 1987, this "unemployment fund" was converted into an "employment fund" in recognition of the dynamic role assigned to funds in the implementation of employment policy.

44. The employment fund is funded by special contributions by employers, by solidarity taxes levied in the form of income tax surcharges and by a contribution made by the local authorities.

45. The provisions of the law apply, under specific conditions, to an unemployed worker who is usually employed, to young people who, at the end of their training, have found no employment, and to self-employed workers who have had to stop work because of economic difficulties.

46. By law, the unemployment benefit payable to the wholly unemployed must amount to 80 per cent of the gross salary previously earned. The level of full unemployment benefit guaranteed under the Act of 30 June 1976 should be seen in relation with the guaranteed minimum income entitlement provided under the Act of 26 July 1986.

Article 10: Protection of the family and of mother and child

47. The protection of the family was introduced in the Luxembourg Constitution in 1948. Thus the family enjoys protection under the highest legal authority of the country. Article 11, paragraph 3 of the Constitution provides that "the State guarantees the natural rights of the human being and of the family". In 1951, family policy was officially instituted with the establishment of a special ministry and now plays a prominent part in social policy.

48. Successive governments have attached considerable importance to family matters and the State has endeavoured to create a setting in which the family can flourish freely. Family policy encourages freedom of parental choice as regards the family lifestyle and the number of children. The family is considered as the basic cell of our society, whose greatest concern is the person and personal well-being.

49. As the Government made clear in its policy statement of 22 July 1994: "Family policy and social solidarity are two areas in which the qualitative enhancement of government policy will be most noticeable. The Government will make a special effort to enable parents freely to choose their family lifestyle. In the event that one of the parents opts to look after the education of the couple's children personally, the Government will provide partial compensation for the couple's loss of income. It will also take measures to facilitate the return of women to the labour market. Furthermore, family allowances will be adapted to the prevailing socio-economic situation and a special effort will be made in favour of families in special situations, such as those with handicapped children, large families, indigent families or those with special problems. At the same time, the Government will support and encourage greater availability of such facilities as day centres and nurseries, in order to allow both parents to work and in order to assist single-parent families. It will develop home educational facilities and will introduce leave for family reasons."

50. The International Year of the Family of the United Nations has given a fresh impetus to family policy and has encouraged the introduction of new measures.

51. Luxembourg law fully respects individual liberty both when a marriage is entered into and throughout its duration. Without the free consent of either partner, a marriage cannot exist and is therefore null and void (arts. 146 and 180 of the Civil Code). In such case, the nullity of the marriage is publicly recognized. During the marriage, the spouses manage the household together on an equal footing and educate their children as they see fit (arts. 212 and 213 of the Civil Code). Marriage does not affect the legal capacity of the spouses (art. 216 of the Civil Code).

52. In the event of a serious infringement of the rights and obligations of one of the spouses by the other, the aggrieved spouse may seek divorce or physical separation. There are several divorce procedures: divorce on specific grounds, such as misconduct or a period of separation, and divorce by mutual consent.

53. Provided that the parents do not infringe the physical integrity or the moral and material interests of the children, the State cannot intervene directly. Any intervention must be in accordance with the law and must be subject to the approval of the judicial authority, which guarantees civil liberties.

54. The social protection of the family is ensured through a broad range of family benefits: family allowances (Act of 19 June 1985), age-related supplements, supplementary allowances for handicapped children, beginning of school allowances (Act of 14 July 1986), childbirth benefits (Act of 20 June 1977), maternity benefits (Act of 30 April 1980), education allowances (Act of 1 August 1988) and access to many services.

55. The Government provides support for projects aimed at promoting or protecting marital and family relationships. It has developed a system of assistance which is available to citizens in all age groups (including day homes for children and adolescents, care centres for children and adolescents, State socio-educational centres, social family lodgings, care centres for handicapped persons, integrated State centres and day centres for the elderly, home-help services, shelters for the homeless and foster homes).

56. In recent years, budget allocations have been increased in order to extend the range of services and care facilities. For instance, between 1990 and 1994, the budget allocated to day homes for children and adolescents more than doubled, from 180 to 400 million francs per year.

57. In order to inform people of their rights and to avoid conflicts, there is also a whole range of services available, including marriage information, training and preparation centres and information for consumers.

58. The aim of government policy has therefore been to provide assistance wherever it has been needed, while leaving each individual at liberty to make use of such assistance or not. Through continuous reform, Luxembourg legislation on family allowances (Acts of 23 December 1992, 23 July 1993 and 31 July 1995) and on social assistance, such as the guaranteed minimum income (Acts of 23 July 1986 and 26 February 1993) has kept pace with requirements. For 1995, the cost of family allowances paid from the National Family Allowance Fund came to more than 13 billion francs, which is over 10 per cent of the annual State budget.

59. It may be pointed out that most of the services offered depend essentially on private initiative, with the State intervening according to the principle of subsidiarity under the terms of agreements with the associations. It finances the cost of available benefits either partially or fully, subject to the application of a scale of tariffs, weighted according to the financial possibilities of beneficiaries and their family situation, and subject to the staff employed being sufficiently qualified.

60. The Act of 22 May 1989 establishing the provision of care and admission to nursing homes aims at allocating care benefits with a view to enabling older persons to remain in their families.

61. In the specific case of working mothers, the Act of 31 July 1975 applies to all women bound by employment or apprenticeship contracts. Article 3 of that Act provides that during eight weeks preceding the expected date of birth, as shown by a medical certificate, a pregnant woman may not be required to work unless she has been expressly declared fit. During the medically certified period of pregnancy, a woman may not be discharged. The Act also protects pregnant women against the performance of certain work which is regarded as arduous. Pregnant women and nursing mothers are prohibited by law from working overtime.

62. Furthermore, the Act guarantees paid pre-natal and post-natal leave, covering the eight weeks preceding and following childbirth. Post-natal leave may be extended to 12 weeks in cases of premature or multiple births and for nursing mothers.

63. During such leave, women are entitled to a cash maternity benefit. The benefit was extended to non-working women under the Act of 27 July 1992 reforming sickness insurance and the health sector. The benefit is funded by the State and distributed by the sickness funds. Benefits in kind, such as expenses for childbirth and midwife care, medical assistance, accommodation in a nursing home or clinic, pharmaceutical supplies and dietetic products for infants are also paid for.

64. Legislation is currently being finalized to incorporate into national law Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breast-feeding.

65. A woman's employment contract cannot be broken on grounds of maternity leave. In order to bring up her child, a woman may, without giving notice, refrain from restarting her job at the end of her maternity leave (special education leave). In such a case, the woman is entitled to apply for re-employment within a year following the end of maternity leave. Upon receipt of this request, the employer must give priority to her recruitment during a year in all jobs for which she is suitably qualified.

66. In its policy statement, the Government has just announced that it intends to introduce leave for family reasons and is considering the possibility of instituting parental leave.

The rights of the child

67. In order to implement the Convention on the Rights of the Child, ratified by Luxembourg in its Act of 20 December 1993, basic reforms are being considered in the area of services for children in order to perfect protection for children and young persons. The protection of children, however, is already adequately covered.

68. Protection for the health of the child begins very early on with the provision of medical information to the parents (under the Act of 19 December 1972, premarital medical examinations are compulsory). The child is subsequently protected through the mother. A number of measures provide protection for the child before and after birth, such as systematic examinations for pregnant women and infants, which include children up to the age of two (Act of 20 June 1977). Systematic medical examinations for children between the ages of two and four already existed under the Act of 15 May 1984. Such examinations are compulsory for all children brought up in the Grand Duchy of Luxembourg. After that age, school medical care takes over, so that a child is medically supervised throughout its minority, being provided with a health record on which all examinations may be checked.

69. In the case of very young children reared outside their families, special supervisory measures are prescribed for the protection of the children's life and health under the Act of 27 June 1906 on the protection of public health and the Grand Ducal Regulation of 7 September 1907 concerning the protection of infants (see also the Ministerial Order of 18 November 1907 and the Ministerial Circular of 1930). Any child, regardless of nationality, aged less than two, in nursing, foster or guardianship care, that is, which include the father's and mother's home, enjoys protection in the form of both medical supervision (by a doctor) and administrative supervision (through the town hall). This supervision applies to any natural person (such as a nurse) or legal person (public or private establishment) and to all intermediaries involved in fostering.

70. It is also worth mentioning the Act of 10 August 1992 on the protection of youth, under the terms of which the judge for children may intervene either on his own initiative or at the request of the child or of any other person to protect the material and moral interests of the child.

71. According to the Civil Code, "a natural child has the same rights and the same obligations as a legitimate child. The child is part of the parent's family ... Similarly, for the purposes of inheritance from the estate of the father and other forebears, as well as from brothers and sisters and other collateral relatives, the same rights as a legitimate child".

72. Affiliation may be established under Luxembourg law with regard to both the mother and the father of all children born out of wedlock, except for children born of parents whose marriage is forbidden (incestuous affiliation).

73. Parental authority over a natural child is exercised by whichever parent has recognized the child voluntarily, in the event that it has been recognized by one parent only. If the child has been recognized by both parents, parental authority may be exercised jointly by both parents if they make a joint declaration to that effect before the guardianship judge. The conditions under which parental authority is exercised may be changed by the guardianship judge (under the Act of 20 December 1993 approving the Convention on the Rights of the Child and modifying certain provisions of the Civil Code; Civil Code, art. 380).

74. In the opinion of the Luxembourg Government, it is in the interest of families and children that a natural child should be treated as far as possible on an equal footing with a legitimate child. Special rules have been introduced, for instance, regarding the natural child's name, in order to avoid any form of social rejection due to the child's status. A natural child may be brought up by a married couple only with the consent of the spouse of the child's parent, if at the time it was conceived the father or mother was married to another person.

75. Under the Act of 28 October 1969, children under the age of 15 may not be employed on any type of work. Where children are concerned, work is considered to be any paid activity performed by children as well as any unpaid activity performed in a repetitive or regular fashion. While there are some exceptions to this prohibition, the activities concerned must not be harmful, prejudicial or dangerous for the child.

76. Some types of work are forbidden for young persons up to the age of 18, such as work unsuitable for the adolescent's state of development or activities requiring a disproportionate effort or which might harmfully affect the physical or mental health of the adolescent. Minors (under 18) are also forbidden by law from undertaking piece-work, work organized in such a way that greater output can be achieved by increasing the pace of work and assembly line work at a prescribed pace.

77. Clandestine work is forbidden under the Act of 3 August 1977.

Article 11: Right to an adequate standard of living

78. The main purpose of social aid is to guarantee the minimum amount of resources required for a lifestyle in conformity with human dignity. The social aid provided by local authorities is still governed by the Grand Ducal Royal Decree of 11 December 1846 concerning the reorganization and settlement of charitable offices (now social offices) and by the Act of 1897 on relief accommodation. The latter legislation provides a safety net for all persons in need, who are not or not yet entitled to a guaranteed minimum income as a form of complementary or supplementary, occasional or regular assistance, to enable them to cope with particularly serious or exceptional circumstances.

79. At national level, the Act of 26 July 1986 establishing an entitlement to a guaranteed minimum income recognizes every person's right to a certain amount of resources, subject to certain conditions. This guaranteed minimum income for a single person amounts to three quarters of the legal minimum wage for an unskilled worker. In practice, when a person's resources are less than those guaranteed by the new Act, the State makes up the difference. The guaranteed minimum income should enable every person to enjoy an adequate standard of living, the social security system being empowered to intervene in exceptional circumstances.

80. In addition, a whole range of aids has been introduced, such as the cost-of-living allowance (Act of 13 June 1975), the heating allowance, the allowance for seriously handicapped persons (Act of 16 April 1979), the procedure for the advance and collection of alimony payments (Act of 26 July 1980) and care benefits (Act of 22 May 1989).

81. In the area of housing, the Government is pursuing its active policy. After the 1989 elections, a Ministry for Housing and Town Planning was set up with the task of implementing a general housing policy and of intervening not only to assist certain categories of persons and families, but also in the housing market.

82. The State's policy is to encourage private ownership through aids to individuals and housing aids, such as for the construction of low-cost housing estates and low-rent accommodation (Act of 25 February 1979 on housing aids).

83. The amount of State assistance provided for individuals depends on the income and family situation of beneficiaries. Capital aids may take the form of savings premiums, construction or purchase aids, housing improvement allowances or conversion grants to meet the needs of physically handicapped persons. The State also helps with the repayment of loans for the construction, purchase or improvement of housing by offering interest-related aids to reduce monthly charges (interest subsidies and interest payments if the beneficiary has one or more dependent children).

84. The Government provides low-cost housing to the most deprived families in conjunction with local authorities.

85. The Act of 14 February 1955 on housing leases, as recently amended, provides general protection for tenants (legal protection for leases, postponement of execution, rental regulation, etc.). Under the same legislation, local authorities are responsible as far as possible for ensuring that every person residing within their jurisdiction is housed.

86. Lastly, the Ministry for the Family provides support for associations managing shelters for the homeless. In 1994, the State spent over 90 million francs on the 190 subsidized places in these homes.

Article 12: Right to physical and mental health

87. Provision for reducing the stillbirth rate and infant mortality and ensuring the healthy development of child takes the form of regular check-ups for pregnant women and children up to the age of two, in accordance with the Act of 20 June 1977 on the introduction of regular check-ups for women and infants. Similar check-ups for children between the ages of two and four were introduced by the Act of 15 May 1984.

88. With regard to the improvement of all aspects of hygiene in the working environment and industrial hygiene, the following legislation may be mentioned:

(a) Act of 21 June 1976 on atmospheric pollution;

(b) Act of 21 June 1976 on noise;

(c) Act of 27 June 1906 on the protection of public health amended by the Act of 14 February 1977 dealing with water pollution;

(d) Act of 16 April 1979 establishing the list and classification of dangerous establishments.

89. The prevention and treatment of occupational diseases are covered by the Act of 17 June 1994 on health services at work.

90. Endemic and epidemic diseases are not matters of major concern in Luxembourg.

91. Medical attention is provided for everyone by the doctors practising in Luxembourg. Since most of the population are insured under the social security system, such attention is free of charge except for a very small percentage which is left for the patient to pay.

Article 13: Right to education

92. Primary education in Luxembourg is centralized in the sense that the State regulates in detail everything relating to education, determining how it is organized and what is taught and arranging the training of preschool and primary school teachers. The State exercises the right to inspect all education, including private education. The Minister of National Education and Vocational Training is responsible for seeing that pupils are taught in the way prescribed by the laws and regulations.

93. The education authorities, that is, the local authorities, are responsible for organizing the establishment and functioning of schools and the appointment of staff. Their decisions must be approved by the competent Ministry, which is the Ministry of National Education and Vocational Training. The policy followed by the Ministry in educational matters is determined after consultation and in collaboration with the parties concerned.

94. Two thirds of the funds for schools in general are provided by the State and the remainder by the local authorities. State schools account for 90 per cent of students. Private schools are subsidized by the State and teach the compulsory subjects specified by the Ministry of Education and Vocational Training. Civics, religious and moral instruction, art, music and sports are compulsory subjects in the curriculum of both State and private schools. Secular ethics may optionally be introduced by the local authorities at present and may become a general subject in the future.

General principles of the organization of the Luxembourg educational system

95. Preschool education (Act of 5 August 1963). Children between the ages of four and six are admitted to kindergarten, the cost of preschool education being borne mainly by the local authorities or private organizations. Two thirds of the salaries of preschool teachers are funded from the national budget. Preschool education is free at public kindergartens.

96. Primary education. Any child who has reached the age of six before 1 September is required to attend school education for a period of nine consecutive years (Act of 5 August 1963, as amended by the Act of 21 March 1979). Children enter primary education proper if they have reached the age of 6 by 1 September of the year in question and leave at the age of 12. After six years of primary education they move on to secondary or technical secondary education.

97. Education in special classes. Education in special classes is available for children who, as a result of their mental, behavioural or sensorial characteristics, cannot receive instruction within the normal educational framework. This form of education is provided at institutes and boarding schools, either by the State or by some local authorities under State supervision. The age range for such courses is from 3 to 15 years, with the possibility of extension. Children who are educationally backward attend special classes within the framework of normal primary education. Special education centres and institutes cater for children and adolescents with special academic, educational and vocational needs and are equipped with special resources to do so. The final aim is to integrate the children into society.

98. Secondary education. The current system of secondary education was established by the Act of 10 May 1968 on the reform of education, under title VI, "Secondary education", as amended by the Act of 22 June 1989. Secondary education comprises a seven-year course of study, the aim being to prepare pupils for advanced studies. The educational system and curricula are identical for boys and girls and secondary schools are co-educational. Admission to secondary education is possible after completion of the sixth year of primary school, subject to passing the entry examination. The seven years of secondary education are broken down into two divisions: (a) a lower division lasting three years, consisting of the orientation class (class 7) together with classes 6 and 5; (b) a higher division lasting four years, consisting of classes 4, 3, 2 and 1. Secondary education is completed by passing a final examination, on the results of which a final certificate is awarded giving general access to university studies.

99. Technical secondary education. Technical secondary education, as reformed under the Act of 4 September 1990, is provided at technical schools and consists of three cycles: the lower cycle (classes 7 to 9), middle cycle and higher cycle. Depending on their results, pupils in class 9 are placed in a technical stream, a technical training stream or a vocational stream. The middle cycle consists of two years (classes 10 and 11) in the first two streams, or three years in the vocational stream, including class 12 (practical work), at the end of which a certificate of technical and vocational proficiency is awarded. The higher cycle includes two years of full-time education in the technical stream (administrative, paramedical and social, and general technical divisions) and in the technical training stream. The diploma awarded at the end of technical secondary studies provides equivalent entitlements to the final certificate awarded on completion of secondary education. Students obtaining a technician's diploma may be admitted to higher technical studies.

100. Higher education. The University Centre of Luxembourg, established in 1969, provides first-year university education, adapted to university programmes in neighbouring countries. This offers students the possibility of continuing their studies in many foreign countries. The Higher Institute of Technology, set up in 1979, provides training for technical engineers over a period of three years, in different departments. The Higher Institute of Educational Studies and Research (ISERP) provides teacher training in conjunction with the University Centre, in a course lasting three years. The Institute for Educational and Social Studies (IEES) prepares students for work as graduate educators and educators. Under the Act of 8 December 1977, a system of financial grants was introduced for higher education, to enable all young people to undertake the studies of their choice, irrespective of their financial situation or that of their parents, in a system free of State control.

Article 14: Principle of compulsory free education for all

101. Luxembourg requires all children who have reached the age of five to attend one year's compulsory pre-primary schooling. The Act introducing this pre-primary year's schooling specifically stipulates that pre-primary education may not include formal classes.

102. Compulsory schooling in the normal sense extends over a period of nine years. Children are admitted to primary education from the age of six, leaving six years later. On completion of primary education, pupils are directed, depending on their abilities and interests, into supplementary classes, secondary education, vocational training or technical secondary education. Post-primary education must last at least three years, so that by the age of 15 children have usually completed their compulsory schooling.

103. The education provided at all public establishments is free of charge.

EMPLOYMENT SITUATION AND TREND

JULY 1995

A. OPEN JOB OFFERS AND APPLICATIONS

	Open job offers (OJO)			Open job applications (OJA)*					
				1993		1994		1995	
	1993	1994	1995	total	incl.w	total	incl.w	total	incl.w
January	176	146	322	3 284	1 386	4 820	1 889	5 565	2 328
February	122	135	294	3 143	1 323	4 853	1 904	5 496	2 286
March	153	201	594	3 329	1 434	4 701	1 882	5 376	2 241
April	151	216	291	3 144	1 351	4 522	1 791	4 990	2 108
May	124	232	496	2 992	1 283	4 225	1 655	4 765	2 049
June	145	247	372	3 158	1 352	4 156	1 684	4 675	2 053
July	147	406		3 364	1 429	4 126	1 663		
August	120	361		3 399	1 450	4 295	1 742		
September	98	388		3 904	1 670	4 795	2 044		
October	101	340		3 980	1 691	4 992	2 100		
November	103	335		4 317	1 783	5 115	2 156		
December	67	248		4 303	1 713	5 121	2 165		
Average	126	271		3 526	1 489	4 643	1 890		

* Unemployed job applicants, available for full-time employment suited to their abilities.

B. OJA: PROFESSIONAL/TRAINING CATEGORIES

	1994							1995						
	Total	ETV incl.w		SW incl.w		UW incl.w		Total	ETV incl.w		SW incl.w		UW incl.w	
January	4 820	1 662	931	1 239	110	1 919	848	5 565	1 996	1 196	1 456	112	2 113	11 020
February	4 853	1 643	913	1 294	122	1 916	869	5 496	1 928	1 134	1 410	113	2 158	1 039
March	4 701	1 709	938	1 195	113	1 797	831	5 376	1 962	1 155	1 389	117	2 025	969
April	4 522	1 684	921	1 195	100	1 643	770	4 990	1 849	1 094	1 317	115	1 824	899
May	4 225	1 569	857	1 164	94	1 492	704	4 765	1 786	1 053	1 239	115	1 740	881
June	4 156	1 584	881	1 131	100	1 441	703	4 675	1 823	1 072	1 183	109	1 669	872
July	4 126	1 577	873	1 097	99	1 452	691							
August	4 295	1 703	946	1 103	98	1 489	698							
September	4 795	1 962	1 135	1 192	104	1 641	805							
October	4 992	1 993	1 139	1 236	113	1 763	848							
November	5 115	1 960	1 133	1 267	122	1 888	901							
December	5 121	1 934	1 126	1 298	107	1 889	932							
Average	4 643	1 748	983	1 201	107	1 694	800							

ETV: employees, technicians and vendors.
SW: skilled and specialized workers.
UW: unskilled workers.

B OJA: AGE

	1994								1995							
	<25		25-40		40-60		>60		<25		25-40		40-60		>60	
	TOT	W	TOT	W	TOT	W	TOT	W	TOT	W	TOT	W	TOT	W	TOT	W
January	1 413	640	2 123	789	1 262	455	22	5	1 525	710	2 525	1 010	1 490	599	25	9
February	1 397	642	2 156	795	1 282	464	18	3	1 467	680	2 508	1 006	1 492	588	29	12
March	1 337	600	2 079	819	1 266	459	19	4	1 395	651	2 469	982	1 485	598	27	10
April	1 242	559	2 018	775	1 242	453	20	4	1 208	581	2 270	923	1 484	594	28	10
May	1 068	478	1 897	722	1 241	450	19	5	1 144	562	2 185	904	1 410	574	26	09
June	1 010	472	1 867	735	1 261	471	18	6	1 107	557	2 157	926	1 384	561	27	09
July	1 015	457	1 846	729	1 247	472	18	5								
August	1 144	521	1 883	740	1 251	475	17	6								
September	1 402	656	2 074	860	1 301	522	18	6								
October	1 411	663	2 189	893	1 372	538	20	6								
November	1 410	686	2 305	921	1 380	542	20	7								
December	1 358	648	2 314	925	1 425	583	24	9								
Average	1 267	585	2 063	809	1 294	490	19	6								

C OJA: SCHOOL-LEAVERS

	1993			1994			1995		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
January	117	143	260	223	223	446	160	235	395
February	96	114	210	209	236	445	157	228	385
March	111	143	254	198	229	427	147	221	368
April	107	128	235	185	222	407	125	179	304
May	83	112	195	145	167	312	115	171	286
June	91	127	218	137	154	291	112	163	275
July	136	159	295	125	142	267			
August	151	156	307	152	165	317			
September	210	246	456	188	205	393			
October	211	227	438	201	253	454			
November	196	240	436	188	268	456			
December	182	198	380	168	241	409			
Average	141	166	307	177	208	385			

D. FULLY UNEMPLOYED IN RECEIPT OF BENEFIT (ESTIMATE)

	1993				1994				1995			
	Men	Women	Total	Foreigners	Men	Women	Total	Foreigners	Men	Women	Total	Foreigners
January	907	706	1 613	755	1 488	1 055	2 543	1 185	1 716	1 263	2 979	1 423
February	935	729	1 664	772	1 611	1 005	2 616	1 224	1 723	1 268	2 991	1 424
March	862	680	1 542	706	1 539	988	2 527	1 193	1 614	1 188	2 802	1 325
April	843	693	1 536	698	1 569	974	2 543	1 198	1 489	1 128	2 617	1 233
May	854	733	1 587	727	1 516	970	2 486	1 176	1 410	1 082	2 492	1 171
June	884	730	1 614	734	1 456	967	2 423	1 141	1 355	1 082	2 437	1 150
July	930	758	1 688	771	1 399	948	2 347	1 098				
August	951	759	1 710	783	1 409	943	2 352	1 108				
September	995	804	1 799	831	1 417	1 008	2 425	1 152				
October	1 098	863	1 961	906	1 435	1 057	2 492	1 189				
November	1 220	916	2 136	991	1 503	1 138	2 641	1 270				
December	1 358	968	2 326	1 089	1 617	1 205	2 822	1 340				
Average	986	778	1 764	814	1 497	1 021	2 518	1 189				

F. RECRUITMENTS DECLARED IN JUNE 1995

1993 (monthly average)		1994 (monthly average)		June 1995	
Men	1 017	Men	857	Men	885
Women	707	Women	668	Women	522
Total recruitment	1 724	Total recruitment	1 525	Total recruitment	1 407

LABOUR FORCE AT 31 MARCH 1995

Status	Insured			Cross-border workers		
	Total	Men	Women	Total	Men	Women
Manual workers	94 006	67 486	26 520	30 805	24 532	6 273
Office workers	81 041	41 709	39 332	23 143	12 423	10 720
Civil servants	19 855	15 156	4 699	47	31	16
Independent workers	9 838	6 578	3 260	408	308	100
TII	3 271	2 449	822	152	104	48
Farm workers	4 176	2 390	1 786	2		2
Total	212 187	135 768	76 419	54 557	37 398	17 159
Not included						
1. Unemployed						
2. Local workers	696	183	513	185	47	138
Total						
Manual workers	73	34	39	11	7	4
Office workers	623	149	474	174	40	134